

January 8, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-B204
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: Amendment of Part 2 of the Commission's Rules to Allocate
Spectrum Below 3 GHz for Mobile and Fixed Services
ET Docket No. 00-258
Ex Parte Communication**

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, I am writing on behalf of NEC America, Inc. ("NEC") to notify you of separate *ex parte* communications with Mr. Bruce Franca, Deputy Chief of the Office of Engineering and Technology, and Ms. Kathleen Ham, Deputy Chief of the Wireless Telecommunications Bureau, that occurred on January 7, 2003 in connection with the above-referenced proceeding. The communications were made to discuss comments and reply comments previously filed by NEC in this docket.

NEC is a manufacturer of private branch exchange ("PBX") and key telephone systems that incorporate wireless handset capabilities using spectrum allocated for unlicensed PCS ("UPCS"). The discussions focused on various proposals raised in this docket for use of the 1910-1920 MHz band, including the WINForum proposal to allow isochronous UPCS use of the band. Paul Weismantel, Director, Enterprise Solutions for NEC, participated in the conversation with Mr. Franca. In the discussions, NEC reiterated its position that the Commission's rules should be amended to allow the operation of isochronous UPCS in the 1910-1920 MHz band.

An original and one copy of this letter are submitted for inclusion in the proceeding record.

Respectfully submitted,

Ari Q. Fitzgerald
Counsel for NEC America, Inc.

cc: Mr. Bruce Franca
Ms. Kathleen Ham